

**WORKER'S DISABILITY COMPENSATION ACT OF 1969 (EXCERPT)**  
**Act 317 of 1969**

CHAPTER 2  
ADMINISTRATION

**418.201 Bureau of worker's compensation; creation; director.**

Sec. 201. The bureau of worker's compensation, herein referred to as the bureau, is created within the department of labor. The position of director of the bureau is created. The director shall possess the powers and perform the duties granted and imposed by this act. As used in this act, "director" means the director of the bureau or his or her duly authorized representative.

**History:** 1969, Act 317, Eff. Dec. 31, 1969;—Am. 1994, Act 271, Imd. Eff. July 11, 1994.

**Compiler's note:** For creation of bureau of worker's and unemployment compensation within department of consumer and industry services; transfer of powers and duties of bureau of worker's compensation and unemployment agency to bureau of worker's and unemployment compensation; transfer of powers and duties of director of bureau of worker's compensation and director of unemployment agency to director of bureau of worker's and unemployment compensation; and, transfer of powers and duties of worker's compensation board of magistrates to bureau of worker's and unemployment compensation, see E.R.O. No. 2002-1, compiled at MCL 445.2004 of the Michigan Compiled Laws.

For creation of the workers' compensation agency as type II agency within the department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

For transfer of powers and duties of the bureau of worker's compensation and of its director, to the bureau of worker's compensation, and its director, under MCL 445.2004, to the workers' compensation agency, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

**Popular name:** Act 317

**418.203 Director; appointment, term, salary, removal, vacancy, expenses.**

Sec. 203. The director shall be appointed by the governor, with the advice and consent of the senate, for a term of 3 years, beginning on February 1, 1967 and each 3 years thereafter. The director shall hold office until his successor is appointed and qualified. The director shall receive an annual salary as appropriated by the legislature. He shall be subject to removal by the governor for cause after due notice and hearing. A vacancy shall be filled for an unexpired term in the same manner as the original appointment. The director shall be entitled to necessary traveling expenses incurred in the performance of official duties subject to the standardized travel regulations of the state.

**History:** 1969, Act 317, Eff. Dec. 31, 1969.

**Popular name:** Act 317

**418.205 Powers and duties of director.**

Sec. 205. The director shall devote his or her entire time to and personally perform the duties of his or her office and shall engage in no other business or professional activity. He or she may make rules not inconsistent with this act for carrying out the provisions of the act in accordance with Act No. 306 of the Public Acts of 1969, as amended, being sections 24.201 to 24.328 of the Michigan Compiled Laws. He or she shall appoint such assistants and employees as may be necessary, who shall be entitled to necessary travel expenses incurred in the performance of official duties subject to the standardized travel regulations of the state, and such compensation as shall be determined in accordance with civil service rules where applicable. He or she shall appoint an assistant who shall have charge of the Detroit office of the bureau. He or she shall have general supervisory control of the bureau and all officers and employees thereunder. He or she shall have charge of the assignment of the work of the bureau to the assistants, hearing referees, and employees. He or she shall have charge of the docketing and progress of contested cases including the power to order a hearing referee to dismiss without prejudice for lack of progress in the absence of good cause shown, in accordance with rules and procedures established for effecting these purposes. However, cases involving a carrier terminating the payment of benefits which had been paid voluntarily and cases involving a petition to stop or reduce compensation shall take precedence over other cases and a hearing thereon shall be held within 60 days. The director is authorized to provide assistance to employers and employees in the resolution of small disputes. He or she shall have general charge of all administrative functions of the bureau and may delegate such duties, the performance of such administrative functions, and the authority incident thereto.

**History:** 1969, Act 317, Eff. Dec. 31, 1969;—Am. 1980, Act 357, Eff. Jan. 1, 1981;—Am. 1985, Act 103, Imd. Eff. July 30, 1985.

**Compiler's note:** For legislative intent as to severability, see Compiler's note to MCL 418.213.

For creation of the workers' compensation agency as type II agency within the department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

For transfer of powers and duties of the bureau of worker's compensation and of its director, to the bureau of worker's compensation, and its director, under MCL 445.2004, to the workers' compensation agency, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

**Popular name:** Act 317

**Administrative rules:** R 408.31 et seq.; R 408.43i; R 408.43s; R 418.10101 et seq.; and R 418.10104 et seq. of the Michigan Administrative Code.

#### **418.206 Position of hearing referee abolished; powers and duties of worker's compensation magistrates; hearings.**

Sec. 206. (1) The position of hearing referee under this act is abolished as of March 31, 1987.

(2) Only worker's compensation magistrates shall hear cases for which an application for a hearing under section 847 has been filed after March 31, 1986 and shall have the powers and perform the duties prescribed in this act.

(3) Any case for which an application for a hearing under section 847 has been filed before April 1, 1986 and which has not been heard by a hearing referee by March 31, 1987 shall be heard by a worker's compensation magistrate according to the law and procedures applicable to cases heard by hearing referees.

**History:** Add. 1985, Act 103, Imd. Eff. July 30, 1985.

**Constitutionality:** Amendment of the workers' compensation act to abolish the civil service position of hearing referee and establish a Board of Magistrates in its place outside the civil service system to hear and adjudicate workers' compensation claims did not violate the civil service provision of the constitution. Civil Service Commission v Department of Labor, 424 Mich 571; 384 NW2d 728 (1986).

**Compiler's note:** For legislative intent as to severability, see Compiler's note to MCL 418.213.

**Popular name:** Act 317

#### **418.207 Introductory and continuing legal education courses in worker's compensation.**

Sec. 207. The chairperson of the worker's compensation board of magistrates shall consult with law schools, the state bar of Michigan, and other legal associations for the purpose of establishing introductory and continuing legal education courses in worker's compensation. Worker's compensation magistrates, as a condition of continued employment, may be required to attend these courses. Applicants for the position of worker's compensation magistrate may also be required to attend these courses.

**History:** Add. 1985, Act 103, Imd. Eff. July 30, 1985.

**Compiler's note:** For legislative intent as to severability, see Compiler's note to MCL 418.213.

**Popular name:** Act 317

#### **418.209 Qualifications advisory committee; appointment, qualifications, and terms of members; quorum; compensation; staff and offices; powers and duties of committee.**

Sec. 209. (1) The governor shall appoint a 6-member qualifications advisory committee. The committee shall consist of persons who have experience in the area of worker's compensation. Employer interests and employee interests shall be equally represented on the committee.

(2) Members shall be appointed for terms of 4 years except that of the members first appointed, 2 shall be appointed for terms of 2 years, 2 shall be appointed for terms of 3 years, and 2 shall be appointed for terms of 4 years. Of the 2 members appointed for the 2-year, 3-year, and 4-year terms, 1 member representing employer interests and 1 member representing employee interests shall be appointed. A member shall not serve beyond the expiration of his or her term. The initial members shall be appointed not later than October 1, 1985.

(3) A quorum shall consist of 4 members. All business of the committee shall be conducted by not less than a quorum.

(4) Members of the qualifications advisory committee shall serve without compensation, but shall be reimbursed for all necessary expenses in connection with the discharge of their official duties as members of the committee.

(5) Staff and offices for the committee shall be provided by the bureau.

(6) The committee shall have the powers and perform the duties provided for under sections 210, 212, and 274.

**History:** Add. 1985, Act 103, Imd. Eff. July 30, 1985.

**Compiler's note:** For legislative intent as to severability, see Compiler's note to MCL 418.213.

For abolishment of the qualifications advisory committee and establishment of the new qualifications advisory committee within the worker's compensation agency, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

**Popular name:** Act 317

#### **418.210 Development of written examination; administration of written examination to applicants for position of worker's compensation magistrate; interviews; appointment of qualified applicants; pamphlets.**

Sec. 210. (1) The qualifications advisory committee, in consultation with the board of magistrates, shall

develop a written examination. The examination shall be administered to applicants for the position of worker's compensation magistrate in order to determine the applicant's ability and knowledge with regard to worker's compensation in the following areas:

- (a) Knowledge of this act.
- (b) Skills with regard to fact finding.
- (c) The Michigan rules of evidence.
- (d) A basic understanding of human anatomy and physiology.

(2) An applicant for the position of worker's compensation magistrate, including those persons who were employed as hearing referees under this act on or before March 31, 1987, who successfully completes the examination provided for under subsection (1) or who has not less than 5 years experience as an attorney in the field of worker's compensation shall be interviewed by the qualifications advisory committee for the position of worker's compensation magistrate. To meet the requirement of 5 years' legal experience as an attorney in the field of worker's compensation, an applicant must document to the qualifications advisory committee a period of time totaling 5 years during which the applicant met 1 of the following criteria:

(a) A significant portion of the applicant's personal practice has been in active worker's compensation trial practice representing claimants or employers.

(b) A significant portion of the applicant's personal practice has been in active worker's compensation appellate practice representing claimants or employers.

(c) Service as a member of the former worker's compensation appeal board or the worker's compensation appellate commission.

(3) The qualifications advisory committee, after completing personal interviews of the eligible applicants, shall determine which of the applicants are considered qualified for the position of worker's compensation magistrate. A person determined to be qualified before this 1994 amendatory act shall continue to be considered qualified after the effective date of this 1994 amendatory act. The personal interviews shall be used to determine the applicant's suitability for the position, especially with regard to his or her objectivity.

(4) The governor shall appoint only an applicant determined to be qualified by the qualifications advisory committee as a worker's compensation magistrate for each available position pursuant to section 213.

(5) The department of labor may develop pamphlets to assist those persons who desire to take the examination for worker's compensation magistrate.

**History:** Add. 1985, Act 103, Imd. Eff. July 30, 1985;—Am. 1994, Act 271, Imd. Eff. July 11, 1994.

**Compiler's note:** For legislative intent as to severability, see Compiler's note to MCL 418.213.

For abolishment of the qualifications advisory committee and establishment of the new qualifications advisory committee within the worker's compensation agency, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

**Popular name:** Act 317

#### **418.211 Hearing referees; appointment, qualifications.**

Sec. 211. Hearing referees shall be appointed by the director, shall devote their entire time to the duties of their office and shall engage in no other business or professional activity. They shall be attorneys at law licensed to practice in the courts of this state, except for hearing referees who immediately prior to the effective date of this act were acting as such.

**History:** 1969, Act 317, Eff. Dec. 31, 1969.

**Popular name:** Act 317

#### **418.212 Evaluating performance of worker's compensation magistrate; frequency; criteria; report; response.**

Sec. 212. (1) The qualifications advisory committee shall evaluate the performance of each worker's compensation magistrate at least once every 2 years. The evaluation shall be based upon at least the following criteria:

(a) The rate of affirmance by the appeal board and the appellate commission of the worker's compensation magistrate's opinions and orders.

(b) Productivity including reasonable time deadlines for disposing of cases.

(c) Manner in conducting hearings.

(d) Knowledge of rules of evidence as demonstrated by transcripts of the hearings conducted by the worker's compensation magistrate.

(e) Knowledge of the law.

(f) Evidence of any demonstrable bias against particular defendants, claimants, or attorneys.

(g) Written surveys or comments of all interested parties. Information obtained under this subdivision shall be exempt from disclosure under the freedom of information act, Act No. 442 of the Public Acts of 1976,

being sections 15.231 to 15.246 of the Michigan Compiled Laws.

(2) Upon completing an evaluation under this section, the qualifications advisory committee shall submit a written report including any supporting documentation to the governor regarding that evaluation which may include recommendations with regard to 1 or more of the following:

- (a) Promotion.
- (b) Suspension.
- (c) Removal.
- (d) Additional training or education.

(3) The governor shall respond in writing to the committee regarding the action taken in response to the report of the committee.

**History:** Add. 1985, Act 103, Imd. Eff. July 30, 1985.

**Compiler's note:** For legislative intent as to severability, see Compiler's note to MCL 418.213.

For abolishment of the qualifications advisory committee and establishment of the new qualifications advisory committee within the worker's compensation agency, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

**Popular name:** Act 317

**418.213 Worker's compensation board of magistrates; establishment; appointment, qualifications, and terms of members; designation of chairperson; vacancy; reappointment; removal; powers and duties of chairperson; duties of members; term of chairperson; compensation of members; employment of staff; board as independent body; powers and duties of board; rules; assignment and reassignment of magistrates; office space.**

Sec. 213. (1) The worker's compensation board of magistrates is established as an autonomous entity in the department of labor. The board shall consist of 30 members appointed by the governor with the advice and consent of the senate. The governor shall designate 1 of the appointees as the member that will be chairperson. A person shall not be appointed to the board who has not been recommended by the qualifications advisory committee. All members of the board shall be members in good standing of the state bar of Michigan.

(2) The members of the board shall be appointed for terms of 4 years. A member who has served for 12 years shall not be reappointed to a new term. A vacancy caused by the expiration of a term shall be filled in the same manner as the original appointment. A member shall not serve beyond the expiration of his or her term unless the qualifications advisory committee fails to submit a recommendation to the governor before the expiration of the term. A member may be reappointed. A member appointed to fill a vacancy created other than by expiration of a term shall be appointed for the balance of the unexpired term. A member of the board may be removed by the governor for good cause which shall be explained in writing to the worker's compensation magistrate. Good cause for removal shall include, but not be limited to, lack of productivity or other neglect of duties.

(3) The governor may designate a member of the board as the chairperson upon a vacancy occurring in that position. The chairperson of the board shall have general supervisory control of and be in charge of the employees of the board and the assignment and scheduling of the work of the board. In the case of an extended leave of absence or disability, the chairperson may select temporary magistrates to serve for not more than 6 months in any 2-year period from a list maintained by the qualifications advisory committee. The list shall be composed of persons who are attorneys licensed to practice in this state and who are former or retired worker's disability compensation magistrates, or former or retired worker's disability compensation hearing referees or administrative law judges. A temporary magistrate selected by the chairperson shall have the same powers and duties as an appointed magistrate under this act. The chairperson may also establish productivity standards that are to be adhered to by employees of the board, the board, and individual magistrates. Each member of the board shall devote full time to the functions of the board. Each member of the board shall personally perform the duties of the office during the hours generally worked by officers and employees of the executive departments of the state.

(4) The chairperson of the board shall serve as chairperson at the pleasure of the governor.

(5) Each member of the board shall receive an annual salary and shall be entitled to necessary traveling expenses incurred in the performance of official duties subject to the standardized travel regulations of the state.

(6) The board may employ the staff it considers necessary to be able to perform its duties under this act which may include legal assistants for the purpose of legal research and otherwise assisting the board and individual members of the board.

(7) The board is an independent body with the powers and duties as provided for under this act. The board

may promulgate rules on administrative hearing procedures for purposes under this act.

(8) The chairperson of the board may assign and reassign worker's compensation magistrates to hear cases at locations in this state.

(9) The department of labor shall provide suitable office space for the board of worker's compensation magistrates and the employees of the board.

**History:** Add. 1985, Act 103, Imd. Eff. July 30, 1985;—Am. 1994, Act 271, Imd. Eff. July 11, 1994.

**Constitutionality:** Amendment of the workers' compensation act to abolish the civil service position of hearing referee and establish a Board of Magistrates in its place outside the civil service system to hear and adjudicate workers' compensation claims did not violate the civil service provision of the constitution. Civil Service Commission v Department of Labor, 424 Mich 571; 384 NW2d 728 (1986).

**Compiler's note:** Section 4 of Act 103 of 1985 provides:

Section 4. (1) It is the manifest intent of the legislature that if section 213 of this amendatory act is found to be invalid by the state supreme court, the amendments made by this amendatory act to the following sections shall also be invalid and are not severable from section 213:

- (a) Section 222.
- (b) Section 274.
- (c) Section 858.
- (d) Section 801.
- (e) Section 835(1).
- (f) Section 161(1)(d) and (4).
- (g) Section 171(3) and (4).
- (h) Section 119.
- (i) Section 354(1)(f).
- (j) Section 335.
- (k) Sections 921, 925, and 935.
- (l) Section 315(1).
- (m) Section 361(1).
- (n) Section 852.
- (o) Section 641.
- (p) Section 385.
- (q) Section 851.
- (r) Section 861a(3).
- (s) Section 862(2).
- (t) Section 151(1)(b).
- (u) Section 206.
- (v) Section 266.
- (w) Section 251(3).
- (x) Section 255(3).
- (y) Section 261(5).
- (z) Section 265(4).
- (aa) Section 851a(2).
- (bb) Section 859(2).
- (cc) Section 381(3).
- (dd) Section 859a.
- (ee) Section 860.

(2) It is the manifest intent of the legislature that if section 213 or any other section of this amendatory act is found to be invalid by the state supreme court, the amendments made by this amendatory act to the following sections shall be valid and are severable from the invalid section or sections:

- (a) Section 251(1) and (2).
- (b) Section 847.
- (c) Section 223.
- (d) Section 864.
- (e) Section 205.
- (f) Section 835(5).
- (g) Section 835a.
- (h) Section 315(2) to (9).
- (i) Section 301.
- (j) Section 401.
- (k) Section 841.
- (l) Section 54(16).
- (m) Section 261(1) to (4)."

For creation of bureau of worker's and unemployment compensation within department of consumer and industry services; transfer of powers and duties of bureau of worker's compensation and unemployment agency to bureau of worker's and unemployment compensation; transfer of powers and duties of director of bureau of worker's compensation and director of unemployment agency to director of bureau of worker's and unemployment compensation; and, transfer of powers and duties of wage and hour division of worker's compensation board of magistrates to bureau of worker's and unemployment compensation, see E.R.O. No. 2002-1, compiled at MCL 445.2004 of the Michigan Compiled Laws.

**Popular name:** Act 317

## **418.215 Bureau of workmen's compensation; offices, location.**

Sec. 215. The department of administration shall provide suitable space for the bureau in Lansing, Detroit, the Upper Peninsula and such other places in the state as, in the discretion of the director, are necessary. The principal office of the bureau shall be in Lansing.

**History:** 1969, Act 317, Eff. Dec. 31, 1969.

**Popular name:** Act 317

#### **418.221 Blank forms; printing, cost.**

Sec. 221. The bureau shall print and furnish free of charge to any employer or employee such blank forms as the director deems requisite to facilitate or promote the efficient administration of this act.

**History:** 1969, Act 317, Eff. Dec. 31, 1969.

**Popular name:** Act 317

#### **418.222 Application for mediation or hearing; forwarding copy to employer and carrier; carrier to file written response; return of incomplete application or written response; medical records; proof of compliance; contents of application or written response; notice of intention to call witnesses; willful noncompliance.**

Sec. 222. (1) After March 31, 1986, the bureau, upon receiving a completed application for mediation or hearing from a claimant, shall forward a copy of the application to the employer and carrier. Within 30 days of receiving a completed application for mediation or hearing from the bureau, the carrier shall file a written response to the application with the bureau upon a form provided by the bureau. Any application for mediation or hearing or any written response which is determined by the bureau to be incomplete shall be returned with an explanation of the additional information needed.

(2) At the time of filing an application for hearing or mediation, the claimant shall also provide the carrier with any medical records relevant to the claim that are in the claimant's possession. At the time of filing the written response, the carrier shall also provide the claimant with any medical records of the carrier or employer concerning the employee that are relevant to the claim and in existence at the time of filing. The parties shall submit proof of compliance with this subsection with the bureau.

(3) The application for mediation or hearing shall be as prescribed by the bureau and shall contain factual information regarding the nature of the injury, the date of injury, the names and addresses of any witnesses, except employees currently employed by the employer, the names and addresses of any doctors, hospitals, or other health care providers who treated the employee with regard to the personal injury, the name and address of the employer, the dates on which the employee was unable to work because of the personal injury, whether the employee had any other employment at the time of, or subsequent to, the date of the personal injury and the names and addresses of the employers, and any other information required by the bureau.

(4) The written response of the carrier shall be as prescribed by the bureau and shall specify any legal grounds supporting its position, any factual matters that are disputed, whether there was a medical examination of the claimant and who performed it, and any other information required by the bureau.

(5) The claimant shall notify the carrier of the intention to call witnesses who are currently employed by the employer.

(6) The willful failure of a party to comply with this section shall prohibit that party from proceeding under this act.

**History:** Add. 1985, Act 103, Imd. Eff. July 30, 1985.

**Compiler's note:** For legislative intent as to severability, see Compiler's note to MCL 418.213.

**Popular name:** Act 317

#### **418.223 Mediation of claim; circumstances; scheduling mediation conference; duties of bureau prior to mediation conference; recommendations by mediator; application for hearing; pretrial conference; willful noncompliance.**

Sec. 223. (1) A claim, except a claim concerning a petition to stop or reduce the payment of compensation or involving a carrier terminating the payment of benefits which had been voluntarily paid, shall be mediated by the parties pursuant to this section under any of the following circumstances:

- (a) The claim concerns a definite period of time and the employee has returned to work.
- (b) The claim is for medical benefits only.
- (c) If the claimant is not represented by an attorney.
- (d) If the bureau determines that the claim may be settled by mediation.

(2) All other claims shall be mediated pursuant to this section by the parties unless a party refuses in writing to mediate that claim.

(3) The bureau, upon proper notice to all parties, shall schedule a mediation conference for a claim that is to be mediated.

(4) Immediately before the mediation conference is held, the bureau shall review the carrier's response with the employee. The bureau shall also provide to the employee a clear and concise explanation of his or her rights and responsibilities under this act including a reasonable estimate of the maximum amount of benefits to which he or she would be entitled if the claim is approved and the amounts that could be deducted for attorney fees and costs.

(5) If a mediation conference has been held and the claim has not been resolved, the mediator shall recommend 1 of the following:

(a) If the amount of the claim is for \$2,000.00 or less, that the claim be heard in the small claims division.

(b) If the amount of the claim is for more than \$2,000.00, that the claim be heard at a hearing held pursuant to section 847.

(6) If a mediation conference has been held regarding a claim and a party files an application for a hearing under section 847, a pretrial conference shall not be held unless specifically requested in writing by a party within 60 days of the completion of the mediation conference.

(7) The willful failure of a party to comply with this section shall prohibit that party from proceeding under this act.

**History:** Add. 1985, Act 103, Imd. Eff. July 30, 1985.

**Compiler's note:** For legislative intent as to severability, see Compiler's note to MCL 418.213.

**Popular name:** Act 317

#### **418.225 Statistics; compiling, annual report.**

Sec. 225. The director shall cause such statistics incident to the functions of the bureau to be compiled as may be in his discretion advisable. On or before April 1 of each year the director shall make and file a report covering the year prior to the preceding January 1.

**History:** 1969, Act 317, Eff. Dec. 31, 1969.

**Popular name:** Act 317

#### **418.230 Confidential records; exceptions; power of court to subpoena records not limited; definition.**

Sec. 230. (1) Except as otherwise provided in this section, the following records are confidential and exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246:

(a) Records submitted by an individual employer or a group of employers to the bureau in support of an application for self-insured status in the manner provided in section 611.

(b) Information concerning the injury of and benefits paid to an individual worker. This includes, but is not limited to, all forms, records, and reports filed with or maintained by the bureau concerning the injury of or benefits paid to a worker.

(c) Worker's disability compensation insurance policy information submitted to the bureau by an individual employer or group of employers in accordance with section 615 or a notice of issuance of a policy submitted to the bureau by an insurer in accordance with section 625.

(2) The bureau may release, disclose, or publish information described in subsection (1) under the following circumstances:

(a) In the case of subsection (1)(a), (b), or (c), the bureau may disclose or publish aggregate information for statistical or research purposes so long as it is disclosed or published in such a way that the confidentiality of information concerning individual workers and the financial records of individual employers or self-insured employers or insurers is protected. The bureau may also release individual records to a recognized academic or scholarly institution for research purposes if it is provided with sufficient assurance that the outside individual or agency will preserve the confidentiality of information concerning individual workers and the financial records of individual self-insured employers.

(b) In the case of subsection (1)(b), the bureau may release information to another governmental agency if the governmental agency provides the bureau with sufficient assurance that it will preserve the confidentiality of the information. The other agency may use this information to determine the eligibility of an individual for benefits provided or regulated by that agency. The bureau or another agency may disclose the information if it determines that the individual is receiving benefits to which he or she is not entitled as the result of receiving more than 1 benefit at the same time.

(c) Except as otherwise provided, information disclosed in accordance with subdivision (a) or (b) shall continue to be exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

(d) In the case of subsection (1)(b), the bureau may release individual records to a nonprofit health care corporation, as defined in section 105 of the nonprofit health care corporation reform act, 1980 PA 350, MCL 550.1105, for the sole purpose of determining financial liability for the payment of benefits provided by the corporation. Any information provided to the nonprofit health care corporation shall be confidential, as provided in section 406 of the nonprofit health care corporation reform act, 1980 PA 350, MCL 550.1406. In a dispute over who assumes liability for the payment of benefits for a particular claim, the nonprofit health care corporation shall initiate payment of benefits pending resolution of the dispute.

(e) In the case of subsection (1)(c), in response to a request that pertains to a specific employer and includes the employer's address and the date of injury of the claim for which the information is requested, the bureau may disclose the name and address of the insurer that, according to the records of the bureau, provided coverage on the date of injury, but shall not disclose the effective date or expiration date of the policy.

(3) The confidentiality provided for in subsection (1) does not apply to records maintained by the bureau that are part of or directly related to a contested case. For the purposes of this subsection, a matter shall be considered a contested case when it is the subject of a request for a formal hearing before the director or an application filed in accordance with section 847.

(4) Any employee is entitled to inspect and obtain a copy of any record maintained by the bureau concerning himself or herself. Any employer is entitled to inspect and obtain a copy of any record maintained by the bureau concerning itself.

(5) The confidentiality provided for in subsection (1)(a) does not apply to the records of a self-insured employer that becomes unable to pay benefits under this act due to insolvency or declaration of bankruptcy.

(6) This section does not limit the power of a court of law to subpoena records relevant to a matter pending before it.

(7) Notwithstanding this section, the bureau shall release information to the IV-D agency in accordance with section 4 of the office of child support act, 1971 PA 174, MCL 400.231 to 400.239. As used in this subsection, "IV-D agency" means that term as defined in section 2 of the support and parenting time enforcement act, 1982 PA 295, MCL 552.602.

**History:** Add. 1989, Act 109, Imd. Eff. June 23, 1989;—Am. 1990, Act 57, Imd. Eff. Apr. 17, 1990;—Am. 1990, Act 157, Imd. Eff. June 29, 1990;—Am. 1993, Act 198, Eff. Dec. 28, 1994;—Am. 1994, Act 271, Imd. Eff. July 11, 1994;—Am. 2000, Act 396, Imd. Eff. Jan. 8, 2001;—Am. 2002, Act 566, Eff. Dec. 1, 2002.

**Compiler's note:** Section 3 of Act 198 of 1993 provides as follows:

"Section 3. (1) Except as provided in subsection (2), this amendatory act shall not take effect unless the state administrative board certifies in writing to the secretary of state by December 31, 1994 that an agreement for the transfer of all or substantially all of the assets and the assumption of all or substantially all of the liabilities of the state accident fund has been consummated with a permitted transferee pursuant to the requirements of section 701a of the worker's disability compensation act of 1969, Act No. 317 of the Public Acts of 1969, being section 418.701a of the Michigan Compiled Laws, as added by this amendatory act.

"(2) Sections 700 and 701a as added by this amendatory act shall take effect upon the date of enactment of this amendatory act."

**Popular name:** Act 317

#### **418.231 Obsolete records; destruction.**

Sec. 231. At the discretion of the director, the bureau may destroy any record, file or paper pertaining to workmen's compensation 20 years after the date of injury to which the record, file or paper refers.

**History:** 1969, Act 317, Eff. Dec. 31, 1969.

**Popular name:** Act 317

#### **418.235 Conducting business at public meeting; notice of meeting; availability of writings to public.**

Sec. 235. (1) The business which the board of trustees under chapter 5 may perform shall be conducted at a public meeting of the board of trustees under chapter 5 held in compliance with Act No. 267 of the Public Acts of 1976, as amended, being sections 15.261 to 15.275 of the Michigan Compiled Laws. Public notice of the time, date, and place of the meeting shall be given in the manner required by Act No. 267 of the Public Acts of 1976, as amended.

(2) A writing prepared, owned, used, in the possession of, or retained by the bureau, the board, or the board of trustees under chapter 5 in the performance of an official function shall be made available to the public in compliance with Act No. 442 of the Public Acts of 1976, as amended, being sections 15.231 to 15.246 of the Michigan Compiled Laws.

**History:** Add. 1980, Act 144, Imd. Eff. June 2, 1980.

**Popular name:** Act 317

#### **418.251 Repealed. 1989, Act 115, Eff. July 1, 1989.**

**Compiler's note:** The repealed section pertained to creation and composition of worker's compensation appeal board.

**Popular name:** Act 317

**418.252 Repealed. 1989, Act 115, Eff. June 30, 1991.**

**Compiler's note:** The repealed section pertained to powers and duties of worker's compensation appeal board.

**Popular name:** Act 317

**418.253, 418.255 Repealed. 1989, Act 117, Eff. Mar. 30, 1992.**

**Compiler's note:** The repealed sections pertained to worker's compensation appeal board, and to powers and duties of worker's compensation appeal board.

**Popular name:** Act 317

**418.261 Repealed. 1989, Act 115, Eff. June 30, 1991.**

**Compiler's note:** The repealed section pertained to employment of chief administrative officer, powers and duties of chairperson, rules, and disposition of matters pending on review.

**Popular name:** Act 317

**418.265 Repealed. 1989, Act 117, Eff. Mar. 30, 1992.**

**Compiler's note:** The repealed section pertained to salaries, expenses, and office hours of worker's compensation appeal board.

**Popular name:** Act 317

**418.266 Repealed. 1994, Act 271, Imd. Eff. July 11, 1994.**

**Compiler's note:** The repealed section pertained to repeal of MCL 418.251, 418.252, and 418.261, and remand and review of cases.

**Popular name:** Act 317

**418.274 Worker's compensation appellate commission; establishment as autonomous entity; appointment, qualifications, and terms of members; vacancy; reappointment; removal for good cause; designation of chairperson; powers and duties of chairperson; duties of members; term of chairperson; salary and expenses of members; employment of staff; power and authority of commission; rules on administrative appellate procedures; assignment and reassignment of matters; decisions; review and decision by entire commission; writing and publication of opinions; office space.**

Sec. 274. (1) The worker's compensation appellate commission is established as an autonomous entity in the department of labor. The commission shall consist of 7 members appointed by the governor with the advice and consent of the senate. The governor shall appoint the initial members of the commission not later than January 1, 1986 and shall designate 1 of the appointees as the member that will be chairperson. The governor shall appoint only a person determined to be qualified by the qualifications advisory committee under section 209. All members of the commission shall be members in good standing of the state bar of Michigan.

(2) The members of the commission shall be appointed for terms of 4 years. A member who has served for 12 years shall not be reappointed to a new term. A vacancy caused by the expiration of a term shall be filled in the same manner as the original appointment. A member shall not serve beyond the expiration of his or her term unless the qualification advisory committee fails to submit a recommendation to the governor before the expiration of the term. A member may be reappointed. A member appointed to fill a vacancy created other than by expiration of a term shall be appointed for the balance of the unexpired term. A member of the commission may be removed by the governor for good cause which shall be explained in writing. Good cause for removal shall include, but not be limited to, lack of productivity or other neglect of duties.

(3) The governor may designate a member of the commission as the chairperson upon a vacancy occurring in that position. The chairperson of the commission shall have general supervisory control of and be in charge of the employees of the commission and the assignment and scheduling of the work of the commission. The chairperson may also establish productivity standards that are to be adhered to by employees of the commission, the commission, individual members of the commission, and panels of the commission. Each member of the commission shall devote full time to the functions of the commission. Each member shall personally perform the duties of the office during the hours generally worked by officers and employees of the executive departments of the state.

(4) The chairperson of the commission shall serve as chairperson at the pleasure of the governor.

(5) Each member of the commission shall receive an annual salary which shall be not less than the salary paid to worker's compensation magistrates or hearing referees of the most senior classification and shall be entitled to necessary traveling expenses incurred in the performance of official duties subject to the

standardized travel regulations of the state.

(6) The commission may employ the staff it considers necessary to be able to perform its duties under this act which may include legal assistants for the purpose of legal research and otherwise assisting the commission.

(7) The commission is an independent body with the power and authority to review the orders of the director and hearing referees and the orders and opinions of the worker's compensation magistrates as provided for under this act. The commission may promulgate rules on administrative appellate procedure for purposes under this act.

(8) Except as otherwise provided in subsection (9), matters that are to be reviewed by the commission shall be randomly assigned to a panel of 3 members of the commission for disposition. The chairperson of the commission may reassign a matter in order to ensure timely review and decision of that matter. The decision reached by a majority of the assigned 3 members of a panel shall be the final decision of the commission.

(9) Any matter that is to be reviewed by the commission that may establish a precedent with regard to worker's compensation in this state as determined by the chairperson, or any matter which 2 or more members of the commission request be reviewed by the entire commission, shall be reviewed and decided by the entire commission.

(10) Opinions of the commission shall be in writing. The commission shall provide for the publication of those opinions.

(11) The department of labor shall provide suitable office space for the commission and employees of the commission.

**History:** Add. 1985, Act 103, Imd. Eff. July 30, 1985;—Am. 1994, Act 271, Imd. Eff. July 11, 1994.

**Compiler's note:** For legislative intent as to severability, see Compiler's note to MCL 418.213.

For abolishment of the qualifications advisory committee and establishment of the new qualifications advisory committee within the worker's compensation agency, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

**Popular name:** Act 317